

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: JAMES ORENSTEIN
U.S. MAGISTRATE JUDGE

DATE: 1/12/10
TIME: 10:00 a.m.

Christopher A. O'Connor v. Gemini Asset Recoveries, Inc., et al.
09-CV-1180 (KAM) (JO)

TYPE OF CONFERENCE: Pretrial

APPEARANCES: Plaintiff Ahmad Keshavarz

Defendants Karl Zamurs

SCHEDULING: The next settlement conference will be held on January 19, 2010, at 9:30 a.m.

THE FOLLOWING RULINGS WERE MADE:

1. Discovery is not yet complete due to the defendants' continued failure to discharge their discovery obligations. I made a number of rulings on outstanding discovery disputes, as reflected on the record. I cautioned the defendants' counsel that, in light of the defendants' history of discovery violations in this case, some of which can only be reasonably understood to have been willful, further failures to obey discovery rulings will result in an order pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(ii) precluding the defendants from relying on a "bona fide error" defense to the plaintiff's claim under the Fair Debt Collection Practices Act. Upon the completion of all remaining discovery tasks, the parties shall, within two weeks, file a revised joint pretrial order.
2. The defendants objected to the plaintiff's proposed amendment to the complaint on the ground that filing an amended answer responding to its new factual allegations, all four of which they deny, will impose a needless burden on them. To account for that minimal burden, the plaintiff will subtract \$200 from the amount of reimbursement he will seek pursuant to my order of October 30, 2009, docket entry 31. On the basis of that concession, the defendants consented to the plaintiff's proposed amendment of the complaint.
3. The parties will consider a settlement recommendation I made and will separately advise me of their respective responses no later than January 15, 2010. If the parties have not reached an agreement to settle the case by that date, I will conduct a settlement conference on January 19, 2010. The parties need not submit revised settlement statements, but clients or other persons with full settlement authority must attend the conference in person.

SO ORDERED

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge